

February 14, 2018

Mr. Devin M. Leary  
Human and Rohde, Inc.  
512 Virginia Avenue  
Towson, Maryland 21286

Re: Johns Hopkins at Green Spring Station  
Parking Addition  
Forest Conservation Variance  
Tracking # 02-18-2646

Dear Mr. Leary:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on January 12, 2018. This request proposes to base the forest conservation required by Section 33-6-111 of the Forest Conservation Law on the 1.6-acre limit of disturbance (LOD) rather than the three parcels involved that total approximately 27.3 acres. The proposed development activity is a parking lot expansion into non-forested area mostly within an existing BGE right-of-way. It should be noted that the initial redevelopment of the Green Spring Racquet Club into the health care facility presently under construction had fully complied with both the Forest Conservation Law (per forest conservation plan #FC-16-076) and the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (per forest buffer protection plan #FBP-16-029) in 2016. Moreover, 0.6 of the 1.6-acre LOD was accounted for on FC 16-076, which results in a 0.1-acre afforestation requirement for the present proposal. The applicant proposes to meet this requirement by purchasing credit in an EPS-approved forest retention bank, assuming the variance is granted.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property. The applicant is proposing to utilize 1.0 acre of adjacent open land to provide additional parking for the redevelopment project. Having to provide forest conservation for the entire remaining approximately 27-acre development area would result in unwarranted hardship to the applicant. This is especially true since the remaining land is not owned by the applicant and is not proposed for development at this time. However, it would not preclude the petitioner of all beneficial use of his property, only affect the cost of compliance with this law. Therefore, we find that while an unwarranted hardship would result were the variance not granted, this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The petitioner's plight is due to unique circumstances associated with the redevelopment of the former racquet club and the current constraints of the Green Spring Station complex rather than general conditions of the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Only 1.0 acre of the approximately 27.3 acres of land within the projects' scope would be disturbed for the parking lot expansion. Furthermore, the parking lot expansion is in keeping with uses of the adjoining Green Spring Station. Therefore, we find that granting the variance will not alter the essential character of the neighborhood and that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that there are no streams, wetlands, floodplains or Forest Buffers within close proximity of this project. Additionally, no forest or specimen trees would be impacted. Lastly, runoff from this parking lot expansion will receive storm water quality and quantity management. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not performed any actions on the property necessitating this variance prior to its request. Therefore, this criterion has been met.

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The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Reducing the afforestation obligation based on the LOD for a redevelopment project would be consistent with the spirit and intent of the Forest Conservation Law given that no impacts to forest, specimen trees, or water quality would result. Therefore, this criterion has been met.

Based on our review, this Department finds that all required criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. The 0.1-acre afforestation requirement based on the project's limit of disturbance shall be met via either purchase of credit in an EPS-approved forest retention bank, as proposed, or by payment of a \$2,178.00 fee-in-lieu to Baltimore County. A bank authorization letter, which shall serve as the instrument of agreement with the bank's representative, has been enclosed for your use. Once signed by the retention bank representative, this letter shall be returned to this office indicating that retention bank credit has been purchased prior to issuance of any grading permit. Alternately, the fee in lieu must be paid to EPS prior to issuance of any grading permit, should that option be chosen.
2. The approved forest conservation plan (FC 16-076) for this project must be amended, resubmitted to EIR, and approved prior to grading plan or grading permit approval, whichever comes first. Prior to submitting the revised FCP, please add a note indicating that this variance was granted and that the project's 0.1-acre afforestation requirement will be met prior to permit approval.
3. This variance approval does not exempt future development activities at these properties from compliance with Baltimore County's Forest Conservation Law.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the property owner or the appropriate representative sign the statement on the following page and return a signed copy of this letter prior to EPS approval of any permit. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please call Michael S. Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens,  
Deputy Director

DVL/msk

Enclosure

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I/we agree to the above conditions to bring the subject Baltimore County property into compliance with Baltimore County's Forest Conservation Law.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name